Topic: Which Regulations require secondary containment for Bulk Station and Terminals?

- Bulk Station and Terminals are regulated under the Spill Prevention Control Countermeasure and Risk Management Plan regulations. Secondary containment is required under SPCC; no specific requirements are included in the RMP program.

Topic: Which Regulations applied to the tanks involved in the fire

- Based on the information available, 7 of the 15 tanks involved in the fire contained oil and were subject to SPCC.
- EPA is still currently evaluating the applicability of RMP on the contents of the Tanks involved.

Topic: Where can we get more information on EPA's Response to the ITC fire

- You can get information from EPA's incident specific website: https://response.epa.gov/ITCTankFire

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Topic: Mechanical Integrity

RMP Tank Integrity –

- Tanks that are part of the covered process, mechanical integrity requires that inspections and tests be performed on process equipment and follow "recognized and generally accepted good engineering practices." This often includes industry standards specific to the type of tank and their stored contents.

SPCC Tank Integrity –

- Integrity testing in accordance with industry standards is required for all aboveground bulk storage containers that store, use, or process petroleum and other non-petroleum oils. Requirements for these type of bulk storage containers are addressed in §112.8(c)(6).
    - **According to ITC's SPCC plan, field erected tanks are constructed in accordance with API Standard 650 and Tests & Inspections are conducted in accordance with API Standard 653. This is the standard we would expect for these tanks.**

Topic: EPA Inspection & Enforcement History

SPCC/FRP Compliance Activities at the Site

- The ITC facility was last inspected for SPCC/FRP September 30, 1998, no violations were identified.

  -ITC Submitted FRP Plan updates on 1/21/2000, March 13, 2010, April 5, 2011 & May 28, 2013.

RMP Compliance Activities at the Site

- Previous RMP Inspection occurred at the facility on June 4, 2014. This inspection resulted in the issuance of an Expedited Settlement Agreement with the facility on February 12, 2015. At the time of the inspection, the following violations were noted:
  1. Facility only considered one alternative release scenarios, instead of all of the listed scenarios.
  2. Facility did not retain the documentation for the worst-case scenario which should include a description of the vessel or pipeline and substance selected, assumptions and parameters uses, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate.
  3. Facility did not use the most recent census data for the population affected.
  4. Facility did not establish a system to promptly address the team's findings and recommendations from the process hazard analysis, since there was no process to show its implementation.

The terms of the Expedited Settlement Agreement required the facility to pay a penalty of $3,300 and certify that the Respondent has corrected the violations alleged.

****Additional Clean Air Act Investigations listed in the supporting documents.**

Topic: How many facilities similar to ITC are located in Texas:

17 Bulk Storage Terminal Facilities in Texas are subject to RMP & FRP

- **Facility Response Plans in Texas:**

  All FRPs in Texas = **521 facilities**

  FRPs in Texas that have NAICS Codes 42471 or 49319 - identified **16 facilities**

- **Risk Management Plan Facilities in Texas:**
  NAICS Code 42471 (Petroleum Bulk Stations and Terminals) has **35 facilities in Texas**.

  NAICS Code 49319 (Other Warehousing and Storage) has **12 facilities in Texas**.

Topic – General Duty Requirements under CAA112r

Under Section 112(r) of the Clean Air Act, EPA can cite a company for failing to comply with the General Duty Clause (GDC). A company is subject to the GDC if the owner or operator of a stationary source produces, processes, handles, or stores a regulated substance or an extremely hazardous substance. Under the GDC, a company must:

1. Identify hazards which may result from accidental releases of regulated substances or extremely hazardous substances using appropriate hazard assessment techniques;

2. Design and maintain a safe facility, taking such steps as necessary to prevent accidental releases; and

3. Minimize the consequences of accidental releases which do occur.

Topic: What would ITC have had to do differently if the Risk Management Plan Amendments had been adopted?

Requirements of January 13, 2017 RMP Rule Amendments

The only significant change from these amendments is that ITC would be required annually to coordinate its emergency response plan with the local emergency planning and response organizations.

- The Rule Amendments require that the owner or operator provide to the local emergency planning and response organizations the facility's emergency response plan, updated emergency contact information, and any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.

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Topic – What are the SPCC Secondary Containment

- provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

- You must ensure that diked areas are sufficiently impervious to contain discharged oil.

- The SPCC rule does not specifically define the term “sufficient freeboard,” nor does it describe how to calculate this volume. However, the use of precipitation data from a 25-year, 24-hour storm event is recommended to use as containment freeboard.

- The secondary containment system must be capable of containing oil and must be constructed so that any discharge from a primary containment system ... will not escape containment before cleanup occurs. The purpose of the secondary containment requirement is to prevent discharges as described in §112.1(b); therefore, effective secondary containment methods must be able to contain oil until the oil is cleaned up.

- Ultimately, the determination of imperviousness should be verified by a PE and documented in the SPCC Plan.